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PTO/SB/21 (04-04)

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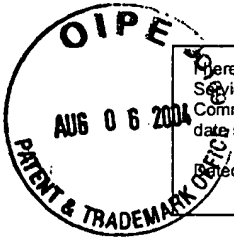
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/828,508-Conf. #9644
	Filing Date	April 20, 2004
	First Named Inventor	Frank S. Bono
	Art Unit	N/A
	Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	Attorney Docket Number	101896-0232

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	NUTTER MCCLENNEN & FISH LLP Ronald E. Cahill - 38,403
Signature	
Date	August 4, 2004

Transmittal	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.	
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Dated: August 4, 2004

Signature: 

(Ronald E. Cahill)

Docket No.: 101896-0232
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Frank S. Bono et al.

Application No.: 10/828,508

Confirmation No.: 9644

Filed: April 20, 2004

Art Unit: N/A

For: **LOCKING CAP ASSEMBLY FOR SPINAL
FIXATION INSTRUMENTATION**

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

Those patent(s) or publication(s) which are marked with an asterisk (*) in the attached form PTO/SB/08 are not supplied because they were previously cited by Examiner or submitted to the Office in prior application 09/667,937, filed September 22, 2000 relied upon in this application for an earlier filing date under 35 U.S.C. 120.

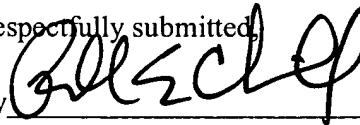
In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such. It is submitted that the Information Disclosure Statement is in

compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 141449, under Order No. 101896-0232. A duplicate copy of this paper is enclosed.

Dated: August 4, 2004

Respectfully submitted,

By 

Ronald E. Cahill

Registration No.: 38,403

NUTTER MCCLENNEN & FISH LLP

World Trade Center West

155 Seaport Boulevard

Boston, Massachusetts 02210-2604

(617) 439-2000

(617) 310-9000 (Fax)

Attorney for Applicant



PTO/SB/08a/b (08-03)

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Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Complete if Known			
		Application Number	10/828,508-Conf. #9644		
		Filing Date	April 20, 2004		
		First Named Inventor	Frank S. Bono		
		Art Unit	N/A		
		Examiner Name	Not Yet Assigned		
Sheet	1	of	1	Attorney Docket Number	101896-0232

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
*	AA	US-4,950,269	08-21-1990	Gaines	
*	AB	US-5,257,993	11-12-1993	Asher et al.	
*	AC	US-5,261,912	11-16-1996	Frigg	
*	AC	US-5,306,275	04-26-1994	Bryan	
*	AD	US-5,346,493	09-13-1994	Stahurski et al.	
*	AE	US-5,443,467	08-22-1995	Biedermann et al.	
*	AF	US-5,498,264	03-12-1996	Schlapfer et al.	
*	AG	US-5,501,684	03-26-1996	Schlapfer et al.	
*	AH	US-5,520,689	05-28-1996	Schlapfer et al.	
*	AI	US-5,534,001	07-09-1996	Schlapfer et al.	
*	AJ	US-5,545,165	08-13-1996	Biedermann et al.	
*	AK	US-5,615,965	04-01-1997	Saurat et al.	
*	AL	US-5,672,176	09-30-1997	Biedermann et al.	
*	AM	US-5,716,356	02-10-1998	Biedermann et al.	
*	AN	US-5,725,527	03-10-1998	Biedermann et al.	
*	AO	US-5,741,255	04-21-1998	Krag et al.	
*	AP	US-5,814,046	09-29-1998	Hopf	
*	AQ	US-5,873,878	02-23-1999	Harms et al.	
*	AR	US-5,961,517	10-05-1999	Biedermann et al.	
*	AS	US-6,077,262	06-20-2000	Schlapfer et al.	
*	AT	US-6,106,526	08-22-2000	Harms et al.	
*	AU	US-6,110,172	08-29-2000	Jackson	
*	AV	US-6,302,888	10-16-2001	Mellinger	
*	AW	US-6,565,565	05-20-2003	Yuan et al.	
*	AW	US-2001/0025180	09-27-2001	Jackson	
*	AX	US-2002/0143332	10-03-2002	Lin et al.	
*	AY	US-2002/0120272	09-29-2002	Yuan et al.	
*	AZ	US-2004/0030337	02-12-2004	Alleyne et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
*	BA	DE 94 03 231	04-21-1994	Griebbach et al.		
*	BB	JP 2001-276086	10-09-2001	Abe Eiji et al.		
*	BC	WO 00/19923	04-12-2000	Yuan Hansen		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²

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Examiner Signature		Date Considered	
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